

PROCEEDINGS

of a

MILITARY COURT FOR THE
TRIAL OF WAR CRIMINALS

held at

LUNEBURG, GERMANY

on

WEDNESDAY, 17 OCTOBER 1945

upon the trial of

JOSEF KRAMER

and

44 Others.

T W E N T Y - S E V E N T H D A Y.

Transcript of the Official

Shorthand Notes.

(At 0930 hours the Court reassembles pursuant to adjournment, the same President, Members and Judge Advocate being present).

(The accused are again brought before the Court).

THE PRESIDENT: Colonel Backhouse, I think you were going to put in some document.

COLONEL BACKHOUSE: I have both the commentary of the film which was read, the commentary in English, and I also have the German translation here. I think they were going to be put in as one Exhibit.

THE PRESIDENT: Yes.

COLONEL BACKHOUSE: Copies have been supplied to the Defence.

(English and German versions of commentary on film are together marked Exhibit "125", signed by the President and attached to the proceedings).

THE ACCUSED, IRMA GRESE, is recalled on her former oath and cross-examined by COLONEL BACKHOUSE as follows:

Q You told us yesterday about how you went to your elementary school and then you went farming, and then you went to this hospital at Hohenluchen ?
A Not quite.

Q Well, did you go to the hospital at Hohenluchen ? A Yes.

Q And you wanted to stay there and be a nurse there, did you not ?
A I wanted to go to Schwerin because there in Hohenluchen I could not have become a nurse, so therefore I wanted to go to Schwerin.

Q Hohenluchen was run by the S.S., was it not ? A When I was there it was a sports sanatorium. Later on it became S.S.

Q When did you go there ? A 1939 to 1941.

Q After you left there you went to work in this butter shop and then you went to Ravensbruck ? A Yes.

Q What were you paid at the butter shop ? A 40 to 60 marks per month.

Q What did you get at Ravensbruck ? A 54 marks per month.

Q Why did you get so much less than the others ? A Because I was only 18.

Q Tell me a little about Ravensbruck. Is it right to say that the treatment there was very severe ? A Yes.

Q In fact is Ehlert right when she says it was terribly terribly severe ?
A Yes.

Q Are those two witnesses for the defence who were called right when they say that all the aufseherin there, with the exception of the gentle Ehlert, were regularly beating prisoners ? A I do not know.

Q There was a lot of beating there, was there not ? A I had a kommando of 20 prisoners and I went out to work with them, and I never beat anybody.

Q That was not what I asked you at all. There was a lot of beating of prisoners there, was there not ? A I did not see it.

different statement from what she has said in Court. If she agrees that she has made that statement then that is the end of that incident and accordingly later on the defending officer says: "You should not believe that woman because she has told a different story".

If she denies she ever made the statement when she is questioned in the witness box then, and then only, is it usual to draw her attention to the written document and, if she does not remember it or does not admit it, then cross-examine her as to whether she made that statement. I thought that had been done and the documents were not put in, I think, because I understood the defending officers were satisfied that they had made their points as regards that particular piece of evidence. Now I gather Major Cranfield is, in effect, saying: "Under Regulation 8 I want to put before you affidavits which have been made by witness [redacted] have been here personally, and I want to show that those affidavits contain either different stories, or an additional story, or do not contain the story which they told in the box".

It seems to me rather complicated and I would like, before the Court consider this matter, to hear what Col. Backhouse has to say.

COL. BACKHOUSE: I would say, as a matter of practical politics, I do not know if it matters a lot because the Court have had a copy all the way through, but as a matter of theory it is a most improper suggestion because the proper time for one to suggest that a witness has said something at one time and is now saying something different in the box is when the witness is in the box, and then the witness has an opportunity of explaining it. It may well be that the witness can explain what those differences, if any, are. In my view it would be quite valuable to put these documents in now. If they are put in I shall ask the Court to pay no attention to these differences, if they exist, because the witness was not asked to explain them.

My friend has not told the Court which ones he is proposing to ask for. He has informed me but I have not taken the trouble to see whether there are differences or not because I do not think it matters in the least unless the witnesses are given an opportunity of explaining them if there are differences. If my friend suggests there were differences he should have asked about them at the proper time. He cannot now seek to put forward these differences at this stage; if he does those witnesses will have to come back. He had his opportunity of cross-examining them, but if wants to suggest they told one story at one time in one place and a different story at another time in another place well they should come back and be given an opportunity of explaining it.

You cannot have your cake and eat it. If the defending officers do not want to draw the witness's attention to an affidavit because he has failed to recognise somebody in the dock, then they cannot put the affidavit in afterwards and say: "Well, you see, it never happened because she missed the incident out" whereas if it had been put to her she might very well have given it.

The Court will appreciate I cannot lead my witnesses, no more than the defence are allowed to lead theirs, and the result is that very often you have a witness who when he comes into the Court does not remember all the things he said before. Sometimes, as I have had to do during the course of this case once or twice, you can direct the witness's mind to the incident without leading and sometimes you cannot do it at all. It is a hopeless position if the defence want to suggest that the incident did not take place, or they are now telling a different story. The defence can put the thing to them; they can direct the witness's attention straight to that point, and the very good rule of practice which has always been made in Courts is that if you want to question a witness about a previous statement, or if you want to question the veracity of the previous statement or deposition in any way the proper time to do it, and the only time to do it, is when the witness is in the box and can answer questions upon it and explain the differences. To put them in now would be quite wrong and I would certainly have to recall those witnesses and let Major Cranfield put his points to them.

THE JUDGE ADVOCATE: The point on that which troubles me is this: I agree with you, and I think we are all agreed, that the defending officer when he had the witness here should have cross-examined. If that is not done is not Major Cranfield saying: "Owing to the Regulation I am still able, not as any attempt to demolish the case for the prosecution in cross-examination but in order to build up my case during my defence, to place before the Court a document which I suggest is one which would help them to decide the truth or otherwise of this case". You see my point?

COL. BACKHOUSE: I see that point and I also see their points, but what I am saying is that quite early in this case it was suggested that it was improper to put in an affidavit when the witness was present. You suggested that yourself, sir, as a matter of fact, and, if you will remember, I did not do it. I did not put it in and it was agreed that that was the proper practice. These witnesses have been present. It makes no difference if the affidavit is put in then or withheld. She has gone and my friend has had his opportunity of doing it. He had his opportunity of doing it at the proper time when he could have assisted the Court a lot if he could have said to the witness: "Now you have told a totally different story on another occasion; is not it false?".

Major Cranfield is not now trying to discredit the witness in the box; he is saying her affidavit is wrong and, therefore, you must not pay any attention to the other affidavit -- well, I do not profess to know what he is talking about because as I understand it he was saying "you must not rely on this affidavit because I am going to produce another affidavit of a witness and then you will see how unreliable the affidavits are.", but if he is trying to discredit the witness of course he should put it to her.

I understood his point was that it was not the witness he was seeking to discredit but the whole system of the affidavits by saying that these affidavits do not represent what the witness would say in the box. That is the only way it can be put. I still say that it is quite wrong for him to say: "Now you see how unreliable those affidavits are because she has said something different" when he does not give the witness an opportunity of saying on oath: "They are both true" or explaining how the difference arose". That is what he should have done and if he does not do it then, in my submission, they should not be put in and I do not think we ought to start it at this stage. It is an ordinary rule of practice. The witnesses have been here and they could have been put to them and, in my submission, they should not now go in.

I think it is quite academic because, of course, the Court have them in front of them and their minds were directed to the affidavit each time. I have not the slightest doubt the Court have long since compared these things. If they have not they might have been curious, but it is obviously one of the things the Court does look at. You have them in front of you and the Court compares them with the evidence given in the box. But as a matter of principle I think it would be wrong to admit them at this stage. The defending officers should follow the regular practice of giving the witness an opportunity of explaining the discrepancies, if they want to, therefore I submit that the Court in their discretion should say these should not be put in and put in in this way. Had they been put in quite properly when the witness could have made an explanation they might have helped us a lot, but in this way they cannot help.

THE JUDGE ADVOCATE: Col. Backhouse, what you have just said somewhat disquietens me, because I am here principally to ensure that at the close of the case I indicate what in my view may be treated as evidence against each accused, and if an affidavit has not been put in or has only been used on a specific point I must direct the Court that whether they can do that or not in law they must not take into account in that bundle the affidavits which were not produced, or not deal with the whole of the affidavit if only one portion of that affidavit was put in evidence.

COL. BACKHOUSE: I will agree with that at once, but my point is not that it is evidence of the facts which they contain. I am sure you will agree it is not only the right but the duty of the Court which has a summary of evidence put before it, as it is always -- and this is an abstract -- that when a witness comes into the box and gives evidence to compare the abstract with the evidence which the witness is giving, and it is not only right but it is the normal practice of the Court to draw attention to the discrepancies.

All these statements which my friend is talking about are contained in the abstract which has been before the Court and I have no doubt at all that you, sir, as judge advocate when those witnesses were giving their evidence followed it on the abstract because that is naturally one of the functions of a judge advocate at a trial and, as a matter of fact, I think the defence probably put to them -- I have a recollection if it being done -- discrepancies which they thought of and you obviously would ~~put~~ them any discrepancies which you saw which had been left by the defence, which is the normal practice and has already been done by the Court long since. It is a question purely of something which should have been done and was done because I am sure you would have done it yourself and put the abstract to the witness if there was a material discrepancy.

That is why I still say this is the wrong way of doing it when it could have been done the right way. My recollection is that you drew during the course of one of the cross-examinations to the right way of doing it. It is my firm recollection at the time that these things were put to them.

As I say, I really do not mind but, of course, if they go in my friend will appreciate that they go in at their face value as affidavits and events which are spoken to therein then become sworn evidence by witnesses. Whether he fully appreciated that I do not know. At the moment I should have said he has had the best of two possible worlds. He has had the opportunity of cross-examining on the abstract with regard to any discrepancy there may have been but the prosecution are unable to put what is on the affidavit if the witness at the time does not say it. How he is going to put the prosecution in the position of taking advantage of that evidence as well and if he wants to do that it is up to him.

I think it is largely academic but it seems to me he is putting himself in danger and getting no advantage in law.

THE PRESIDENT: Have you anything further to say, Major Cranfield?

MAJOR CRANFIELD: The object of this application is this: it is part of our case that the witnesses have failed to come up to their statements when in the box and we are going to say that those are grounds for being very cautious when one considers the documentary evidence in this case, and in our speeches we propose to comment on the discrepancies between a witness's statement in the affidavit and a witness's statement in the witness box.

It occurred to us that if we did do that the prosecutor might very well have objected to that because he would say the affidavit of this witness is not in evidence, the Court has not got it before it, it has not been put in, and you cannot comment on it. Whether we are right in that view I do not know.

COL. BACKHOUSE: I can tell my friend he is not right in that view. I shall not say that. I should say he must not comment on the discrepancies because he did not put them to the witness. I should say that undoubtedly whether the document is before the Court or not

THE JUDGE ADVOCATE: The point is that the document is not before the Court. The Court have certainly used the bundle of documents, which are not originals, and it has only been for convenience, but these affidavits he is speaking about are not before the Court as affidavits. If a defending officer is going to say: "I point out that the witness who gave evidence in person said nothing about this incident though she said it in an affidavit" the Court are going to say: "Well, where is the affidavit?"

COLONEL BACKHOUSE: I shall still make my objection whether the affidavit was before the Court or not, because I would say that if you want to comment on the fact that a witness has told a different story at one time to the story which she has told before the Court, there is only one time that you are allowed to put that and that is when the witness is in the box, and so give the witness an opportunity of tying up those two stories. That is one of the oldest rules of evidence that I know, that where you want to suggest that there is a discrepancy between what a witness has said on a previous occasion and what the witness is now saying in the box, it is your duty to indicate that to the witness. If it is documentary evidence, it is your duty to put that part of the document to the witness and, if you wish, to then say to the Court that that is what was said. You must give the witness that opportunity of explaining it.

The reason I interrupted my friend is this. I shall not, under any circumstances, object to his commenting on the discrepancies between an affidavit and what was said on the ground that the affidavit was not before the Court, but whether or not that affidavit is now put in I shall still object to that comment unless it was put to the witness at the proper time and the witness given an opportunity of explaining it. That is why I say that it should not be put in now.

MAJOR CRANFIELD: This is a most important matter for all the Defending Officers, and a number of them wish to put points to the Court.

I have only got one point to put forward on what Colonel Backhouse has said and that is, I think, this. One has got to realise, whatever happens in the criminal courts in England, they are not run under the Rules of Procedure of the Royal Warrant, and people do not have brought against them 120 or 150 affidavits, whatever it is, and about 20 oral witnesses.

By far the greater part of the evidence in this case is documentary, and we feel that whatever the Regulations may be in the ordinary way, it is essential for us to be able to challenge the documentary evidence on the basis of comparing the statement which a man gave at Belsen to No. 1 War Crimes Investigation Team, their arrangements, their translators, their officers who took the statement, their sergeants, the whole arrangements under which this evidence is produced, with what the man says in the box. I think other Defending Officers would like to add their points because, in my submission, it is most important.

MAJOR MUNRO: There is only one point I would like to make on behalf of my own four accused, and that is that if these affidavits are put in merely as a basis of comparison to allow the Court to judge the weight of the other affidavits, then I shall associate myself with the application. If, on the other hand, these affidavits, having been put in, are to be used as evidence themselves against the accused, then I disassociate myself with the application.

CAPTAIN ROBERTS: I am extremely interested in this application and I want to put in, in fact, some four affidavits of witnesses who have been before the Court. What I think Colonel Backhouse has over-looked is that though we may, in cross-examination, have put the substance of what the witness said in her statement to her, yet what we are also interested in is not only what she did say at that time, but to whom she said it, at what date she said it, who was the Interpreter, who took the statement from her, and a number of other things of a similar nature. Certainly I do not think anybody has put those questions to the witness when he or she was in the box, and to my mind that will be in my own case very material to my defence if I can put those affidavits before the Court and so at a later date be allowed to comment upon them. It is not only the evidence or alleged evidence contained in that affidavit, it is the whole form of the document.

CAPTAIN CORBALLY: What I would like to deal with is the question of identification. There are quite a number of discrepancies between the oral evidence

and the affidavit evidence about which we must complain. It deals with atrocities and is deposed to in an affidavit, and the person alleged to have committed those atrocities is then not identified to the Court. You can cross-examine a witness, when you have he or she here, about her memory of that atrocity having taken place, about how well she knew the person who was supposed to have done it, but you cannot possibly stand up the accused in the dock and say: "Is that the person who has done it". That is going much too far.

The identification of the prisoners in the dock, the witnesses took place here under the most fair circumstances, and the prisoners were made to stand up one row at a time. If, in those circumstances, the witness fails to recognise a person, then it is surely a matter for comment by the Defending Officer concerned that here is an affidavit about an atrocity which is deposed to on oath as being committed by a person he says he knew very well, and yet in the Court they are not recognised.

There can be no question, surely, of cross-examining a witness on the matter of identification; surely we could not do that. That, I think, is one of the main points of discrepancy which we will wish to comment on in our speeches.

CAPTAIN PHILLIPS: I would like to support, in general terms, Major Cranfield's application. I do not know whether you want to know from us which particular affidavits we would like to have in?

THE PRESIDENT: No.

CAPTAIN PHILLIPS: As to the question of admissibility or otherwise, in my submission the short point is that these are, and must be, admissible under Regulation 8, whatever may be the practice of the Old Bailey or anywhere else. This Court acts under those Regulations and no other.

COLONEL BACKHOUSE: I would like to say a few words in reply to the points made by the other Defending Officers. So far as Captain Robert's point is concerned, when he says he wants to know who took the statements and who was the Interpreter and so on, he had ample opportunity of cross-examining on that if he wanted to, because the Defence were invited to and did ask me to bring certain people here who took the affidavits. I could have got more if they wanted them. Two they asked for and two they got, and they had an opportunity of cross-examining them.

If they are going to suggest any impropriety by any of those people then their proper time to do that is when those people are in the box.

So far as Captain Corbally's point is concerned, I am afraid I must entirely disagree with him. If he wants to say this affidavit is unreliable because in the affidavit the witness says - let us take somebody neutral - "I identify Kramer", and when he arrives here and looks round and does not recognise Kramer, you have got to take the risk and you have got to tell Kramer to stand up and ask the witness: "Now is that the man?"

You cannot say afterwards that because, when they looked round, they did not see somebody, that therefore the original affidavit was wrong. You can cross-examine on identification. The case for the Defence is probably that the affidavit is wrong, and also that if the affidavit is wrong then Kramer did not do the boating in that particular case. If you will not take the risk of letting him stand up and having a look at him, you must not come along and say afterwards that the witness could not have recognised him anyway. If you want to say that is wrong you cannot be heard afterwards to say that because somebody did not recognise someone in this Court amongst a group of 45 people and in the atmosphere of this Court, when they are brought down from the witness box and made to come along in front of the Court, that they are therefore lying or mistaken on a previous occasion.

unless you put it to them properly and give them the opportunity of explaining. You must not keep quiet when the witness is in the box and after they have gone stand up and say: "Obviously their story is all wrong because they failed to recognise somebody". Maybe, as I pointed out to the Court at the time, and as Grese admitted today, some of them have changed their appearance quite a lot. In some cases I suggest it was deliberate and in other cases probably it was not deliberate at all. But if you want to suggest that they have got the wrong person, then the proper time to do it is when the witness is here and can give an answer.

So far as Captain Phillips' short point is concerned, he says: Well, the Regulation says so, and that is that. There is a proper time to put that. It is quite obvious that these affidavits could have been put in when the witness was in the box. That is the practice in any criminal court. If you cross-examine on an affidavit you put in the affidavit; if you cross-examine on a deposition you put in the deposition. But you cannot comment on it afterwards if you do not do that at the proper time, and these Regulations do not say anything about the proper time, the wrong time or any other time. I say there is a proper time and they have chosen, as a matter of tactics not to put it in at the proper time.

They have chosen not to remind the witnesses of the incidents of which they now want to complain, when those witnesses were here. Having chosen not to do that, having chosen not to take the risk of the witnesses saying: "Yes, it is true", having chosen not to take the risk of the witnesses saying: "Yes, that is the man I mean", they now want to say: Well, the witness's stories are untrue. I say they have missed their opportunity; they have not taken the course they should have done, and in any case it would be of no value to the court whatsoever to have these depositions put in at this stage.

With regard to Major Munro's point, he cannot have it both ways. Either they go in for all purposes or they do not.

Captain Corbally was complaining that someone did not identify someone in the dock. If that goes in you will be able to look at the photographs and consider them with the witness and say: We have now got a very valuable piece of evidence against some particular man, if you think that is a fair representation of the man, and you may well understand why the witness did not identify him today. That is a risk which he has got to take if he wants them in.

I am not surprised that Major Munro supports, on general lines, my view that the Defence should not be allowed to cut their own throats.

THE JUDGE ADVOCATE: I think, sir, you will want to consider this very shortly, but I feel I ought to add something to what I have already said.

You and your members have taken an oath to try these accused according to the evidence, and the only evidence that you can have before you, as I see it, is the evidence of witnesses in the witness box or documentary evidence which is properly put before you. I do not see how you can deal with any documents which are not before you as exhibits. I do not see how you can deal with any evidence which has not been given to you through verbal testimony by a duly sworn witness.

I agree that the Defending Officers, if they wanted to question a witness who gave evidence on oath, should have questioned him when he was here, and I do not see that they would have been limited in any way to asking any questions about statements they had made before, and on that, if they had got the right answers, they could have founded any sort of argument as to the unreliability of those particular depositions, and then argued from that that the whole system of taking depositions was not sound, and

therefore, in the cases where they could not cross-examine anybody at all because it was merely a document, they would ask the Court to pay less weight to that particular document because of the way in which these documents as a whole had been taken. That seems to me common-sense.

Let us assume that the Defending Officers did miss their opportunity. What troubles me is: Are you then entitled to say, having regard to this Regulation - this is the point, I think, which Captain Phillips is taking - that although it is now possible to have the witnesses back and cross-examine them, they can use this Regulation 8 and say: "We want to put in a specific affidavit which is not before you because it is a document which can be so put before you in evidence under Regulation 8 and we want to comment upon it".

It seems to me the short point is this: Are you going to say that you cannot allow such affidavits to go in? If you do then that is the end of it. On the other hand, if you say: "No, we are prepared to allow the Defending Officers to attack the system under which the affidavits were taken, and we are going to allow them to put in as documents admissible under Regulation 8 affidavits which have never been before the Court," then that is a matter for your consideration.

I should suggest you close your Court and consider what you are going to do in regard to this application.

THE PRESIDENT: The Court is closed.

(At 1250 hours the Court is closed)
(At 1337 hours the Court adjourns.)
(At 1430 hours the Court reopens.)

(The accused are again brought before the Court).

THE JUDGE ADVOCATE: Just before the adjournment the Court listened to a legal argument addressed to them and they have now had an opportunity of considering it, and they ask me to tell you what they feel about it.

If there are any witnesses who gave evidence in this Court personally and they were cross-examined in regard to affidavits that they had made, and those affidavits were not put in evidence, the Court will allow any Defending Officer to put in such an affidavit if he wishes during the course of his Defence, for the purposes of establishing the manner in which these affidavits may have been taken.

On the other hand, the Court feel that in the case of a witness who gave evidence in person and who was not cross-examined at all in regard to an affidavit, that they should not now admit such an affidavit because, in their view, it would carry no weight with them at all unless it was accompanied by a cross-examination of the witness so that they could appreciate exactly what her evidence would be in regard to the taking of that affidavit.

I think that ought to make it quite clear to the Defending Officers, and when they come to ask to put in a deposition they will no doubt indicate why they wish to do so.

Now, sir, I think the position was that Major Cranfield desired to tender in evidence some affidavit.

MAJOR CRANFIELD: I think in view of that decision I will tender the affidavits not now but later on in the Defence of my four accused, so that I have an opportunity of deciding which ones are admissible under the Court's ruling. In that event, that is all the evidence I have in the case of the accused Grecs.

With your permission I would now like to say a few words about the defence of the accused Lothe and the accused Lobauer, who I am taking together.

The accused Lothe and the accused Lobauer were both prisoners at both Auschwitz and Belsen, employed by the Germans in offices on authority over other prisoners. Lothe was employed as a kapo in charge of working parties and Lobauer was employed as an arbeitsdienst, which is the person responsible for telling off the working parties at the beginning of the day when the parties go off to their work.

Now they will both tell you that they were appointed to those positions and that they had no choice in the matter ~~still~~. They are charged here on both charges with committing a war crime at both Auschwitz and Be Isen, and I want to suggest an analogy to their position.

The Court will remember the occasion when 50 R.A.F. officers were shot by the Germans for breaking out of a prisoner of war camp. That, in my submission, was a war crime. In that camp there was a senior British officer exercising authority over the other British officers in the camp, liaising with the Germans on their behalf and obviously facilitating the control of the other officer prisoners of war for the German authorities.

Now a war crime was committed by the Germans at that camp. This British officer was holding a position of authority over his fellow prisoners under the appointment made by the German authorities. At Auschwitz these two accused were appointed by the German authorities into positions of authority over their fellow prisoners. It is alleged that a war crime took place at Auschwitz. Could it be held that the senior British officer at this prisoner of war camp was responsible for a war crime of the German authorities in shooting 50 R.A.F. officers?

Now the evidence against the accused Lothe is contained in the evidence of two witnesses who have been called Gryka and Rozenwayg, and the affidavit of another young woman, Watinik.

The Court has heard how the accusation against Lothe arose at Belsen in June of this year; how these three young women met Lothe in the camp; how it came about that a charge was put in, and I do not propose to go into that any further now, but that is the charge which Lothe has to meet and the only one.

In the incident alleged she is stated to have been out with the accused Grese and, at the request of Lothe the accused Grese is said to have set her dog on a prisoner. You have heard the accused Grese deny the incident; you have heard other witnesses, both for the Defence and the Prosecution, say that the accused Grese never had a dog at Auschwitz.

Lothe will go into the witness box and tell you the accusation is untrue. She will tell you that she was never on an outside working party with Grese.

Two of the Prosecution witnesses Litwinska and Lasker, have spoken well of Lothe. I do not ask the Court to pay very much attention to what the witness Litwinska says because it is my case that her evidence, together with the other Prosecution witnesses of her type, is unreliable from beginning to end, and if it is unreliable against the accused, then it is unreliable for the accused.

I shall also put in documentary evidence, an affidavit by a woman called Bialek. There again, I do not ask the Court to pay very much attention to it. In my opinion it is no better, no worse, than the rest of the affidavits, but I dare say it will act as a counterweight against the affidavit of Watinik.

The other Prosecution witness who spoke well of Lothe was Anita Lasker, and I do ask the Court to pay some attention to what she said. In my view she is a far more reliable witness than the rest of the young women who came forward to testify for the Prosecution.

With regard to Lobauer, I would only ask the Court to notice that all the serious charges against Lobauer are documentary. Evidence given against her by the live witnesses who came here does not amount to a very great deal. More of them had nothing to say against her than the few who did put in an accusation, and you will see Lobauer in the box. She will deal with the specific allegations against her, and in particular she will deal with the story of the women in the water, which amounts to a charge of murder, and she will tell you what she has to say about that.

I will now call the accused Lothe.

THE ACCUSED ILSA LOTHE takes her stand at the place from which the other witnesses have given their evidence, and having been duly sworn is examined by MAJOR CRANFIELD as follows:

Q Is your full name Ilse Lothe ? A Ilse Lothe.

Q Were you born on the 6th November, 1914 in Erfurt ? A Yes.

Q Are you unmarried ? A Unmarried.

Q Will you tell the Court what work you were doing in 1939 ? A I was directed to work in a munition factory and because I refused to do so I was put in a concentration camp.

Q What were you doing before you were directed to the ammunition factory ? A I was working in a shoe factory.

Q Why did you refuse to go to the ammunition factory ? A I should have have to take the train every morning to go to this factory. I did not like it, and I refused it.

Q Which concentration camp did you go to ? A Ravensbruck.

Q How long did you stay there ? A March, 1942.

Q What happened then ? A March, 1942, to Auschwitz.

Q Which part of Auschwitz ? A For four weeks in Auschwitz No. 1, then outside kommando to Budin.

Q Where was Budin ? A About 7 kilometres from Auschwitz.

Q What happened there ? A All sorts of digging, constructing a dam, a sort of dyke.

Q. And how long were you there? A. June 1943.

Q. Where did you go then? A. Berkenau.

Q. How long were you there? A. Up to February 1944 I was working in the camp and then in February I became a kapo.

Q. When you became a kapo which kommando were you in? A. No. 6.

Q. What did that consist of? A. 100 Hungarian Jewesses.

Q. How long were you in that kommando? A. For four months; then that kommando was dissolved and I got another one.

Q. What was that one? A. Anti-aircraft 305.

Q. What did that consist of? A. 50 Hungarian Jewesses.

Q. What was the work that kommando did? A. We built bunkers and prepared positions for guns.

Q. How long were you there? A. Up to November 1944, and then I got another kommando, water works, 107.

Q. What did 107 consist of? A. 30 Hungarian Jewesses.

Q. What happened after that? A. Then the commandant took away my armlet and put me into a punishment kommando called Vistula; commandant Krause took away my armlet and I came to a punishment kommando called Vistula.

Q. Do you mean that you were not any longer a kapo? A. Yes, in December.

Q. How long were you in that punishment kommando? A. Up to January 1945.

Q. What happened then? A. Then we went to Ravensbruck.

Q. Why did you go to Ravensbruck? A. Our destination was Grossrosen, but that camp was overcrowded and so we continued to Ravensbruck.

Q. How long were you there? A. Four weeks.

Q. Where did you go after that? A. In the beginning of March a transport of pregnant women was sent to Belsen, I went with them.

Q. Can you remember the date when you arrived at Belsen? A. The 4th or 5th March.

Q. At Belsen were you a kapo? A. Yes, for three weeks I was ill, but then afterwards I became a kapo in the vegetable kommando.

Q. What did that kommando consist of? A. Mostly Russians.

Q. Were there any other nationalities? A. A few Hungarian Jewesses, a few Polish Jewesses.

Q. How many, can you remember? A. 140, sometimes 120.

Q. Now I want to go back to February 1944 when you first became a kapo. Will you tell the court how you came to be appointed a kapo?

A. We were on parade in the morning and the arbiensdientsfuhrer, the man who was in charge of the working parties, he went along and looked at us, and suddenly he said: "You will take over from tomorrow on this kommando", and that is how I became kapo; I could not do anything about it.

Q. Were you asked if you wanted to become a kapo? A. No, there was no question about asking, and there was no question about refusing, because if we would have done so it would have meant refusing work, and that means 25 strokes.

Q. Now you have heard the allegations made of striking. I want to ask you about Auschwitz. Did you at Auschwitz carry any kind of a weapon? A. No.

Q. Did you carry a stick? A. No.

Q. Have you ever struck a prisoner? A. I have never beaten anybody with a stick, but sometimes I slapped their faces during distribution of food to keep order.

Q. Have you ever knocked a woman down and kicked her on the ground? A. No.

Q. Do those answers apply equally to Belsen? A. Yes.

Q. At Auschwitz where did your kommandos work? A. No. 6 worked at Budin; the anti-aircraft kommando there I was driven in a truck for an hour away from the camp, and 107 worked very near to the camp.

Q. Apart from the anti-aircraft kommando what kind of work were they doing? A. In Budin we were doing drainage work, and in 107, the water works, there we carried sand and stones into the water.

Q. What did kommando No. 6 do? A. Drainage.

Q. While the prisoners were working out of the camp were they allowed to speak to civilians? A. No, they were not allowed to do so, it was prohibited, but they did speak with civilians.

Q. Was this work on kommandos unpleasant for the prisoners? A. Well, unpleasant - they did not like the work but they had to.

Q. Now you heard about the selection parades for the gas chamber. Did you have anything to do with those? A. No, whenever a selection appel took place all the kapos were concentrated in one block and it was strictly prohibited for them to leave that block during the time.

Q. Did any of your kommandos work inside the Berkenau camp? A. No.

Q. When did the kommando leave the camp in the morning and when did it come back at night? A. 0700 hours in the morning and 1800 hours back.

Q. Now you spoke just now of a punishment of 25 strokes. Have you been punished by the political department at Auschwitz? A. Yes.

Q. How many times? A. Three times.

Q. Can you remember what the punishments were for? A. Yes.

Q. Tell the court, first of all, for what reason you were punished on those three occasions. A. The first time because I smuggled a letter out of the camp. The second time because I burned bed boards, the boards of the beds - I made a fire of them - and the third time because we organised some food and some smokes for us, cigarettes.

Q. Will you tell the court what the punishment was and how it was carried out? A. The first time, because of the letter, I got 25 strokes on it is called Stalin-Schallkel, the balance of Stalin, and it is done in this way: the block comes between my knees and my two hands were also tied, and I was swinging to and fro and was beaten from both sides. It was a sort of balance and always when I swing from one side to the other I got a stroke; that was 25 strokes.

Q. What were you beaten with? A. With a rubber truncheon.

Q. Who beat you? A. Two S.S. men.

Q. Have you heard of other kapos being punished in this way? A. Yes.

Q. Was this the official punishment for misbehaviour? A. In the beginning Berlin was asked and gave the decision. Later on one did not bother to ask Berlin for it and the political department itself made the decision and they did what they liked to do. [REDACTED]

Q. Now I want to ask you about the accusations made against you here by the witnesses Rozenwayg and Triege. When those two women came into court did you recognise them? A. No.

Q. Were they ever in your kommando? A. No.

Q. Do you think that if they had been in your kommando you would have been able to recognise them? A. Certainly.

Q. Have you ever been out of camp with your kommando with the accused Grese? A. I have never worked with Grese in the same kommando.

Q. When you took your kommando out to work did you have an S.S. guard? A. With kommand No.6 I had two S.S. guards.

Q. Were they women? A. S.S. men.

MAJOR CRANFIELD: Now, Sir, I am going to start on the specific allegations. The first one is Rozenwayg, volume 10, page 17. (To the witness) A witness came into court and said that on a kommando you told the accused Grese to set a dog on to her, the witness, and the dog then bit her. Is that true? A. First this witness speaks about the date July 1943. At that time I would have never thought of becoming a kapo at all. Secondly, I have never worked with Grese in the same kommando and, thirdly, if Rozenwayg would ever have worked in my kommando I would certainly have recognised her.

Q. Is that accusation untrue? A. Completely untrue.

Q. The witness went on to say that you hit a girl called Wiedletz a blow, knocked her down and kicked her on the ground. A. Not true.

MAJOR CRANFIELD: Sir, I am going on now to the witness Gryka, volume 14, page 10. I am going to put the Rochla Grunwald accusation to her. (To the witness) A witness came here and alleged that on a kommando one day when a woman Rochla Grunwald wanted to go to the latrine you hit her on her head with a stick, as a result of which the woman fainted. A. Not true.

Q. Will you look at the affidavit No.169, Sonia Watnik. Will you read paragraph 2. Can you remember any incident like that? A. No.

Q. Were you a kapo during the summer of 1943? A. In 1943 I never thought of becoming a kapo.

Q. I want you to read paragraph 5. I am going to leave out paragraph 3, because I have already put that once. What do you say about paragraph 5? A. I never had a stick; I never beat somebody until he fell down and was unconscious and nobody had to go because of me into block No.25.

Q. Do you remember the occasion when you were arrested at Belsen? A. Yes.

Q. Will you tell the court how it happened? A. On the 22nd June I walked through the camp with a Polish Jewess. We passed six or seven Polish Jewesses. They started shouting at me, and they said: "That is a kapo from Auschwitz".

but for the rest they did not do anything, they just let me walk on. As I had gone a bit further on I turned round. I saw two British soldiers talking to these six or seven women asking them what had been going on. These Polish Jewesses shouted: "It is a kapo from Auschwitz", and then the British soldiers called me back. The British soldiers asked me for my papers and said I had to go with them to the office to a British officer. These Polish Jewesses accompanied me to the police and, well, they had to say something about me. I believe in the meantime they had made a fantasy about this story.

Q. Is the story told by these three, Rozenwayg, Gryka and Watnik true or untrue? A. It is untrue.

MAJOR CRANFIELD: I have no further questions.

MAJOR WINWOOD: No questions.

MAJOR MUNRO: No questions.

CAPT. ROBERTS: No questions.

CAPT. BROWN: No questions.

CAPT. FIELDEN: No questions.

CAPT. CORBALLY: No questions.

CAPT. NEAVE: No questions.

Cross-examined by CAPT. PHILLIPS.

CAPT. PHILLIPS: I have a question to ask on behalf of No. 37, Herta Bothe. (To the witness) Can you tell me what duties the vegetable kommando did at Belsen? A. We took the vegetables and the potatoes from the places where they were stored to the kitchen.

Q. Was there any S.S. men or women supervising it? A. Yes, two aufseherin and one S.S. man.

Q. Do you know the names of the aufseherin? A. Yes.

Q. What are they? A. Lehmann, Friedrich and Lisiewitz (No.42).

Q. Did you know No. 37 (Herta Bothe) at Belsen? A. Yes, she was working at the wood stores.

Q. Did she ever have anything to do with your vegetable kommando? A. Not with my kommando.

Cross-examined by LT. BOYD.

LT. BOYD: I want to ask a question about No.42 (Hilde Lisiewitz). (To the witness) You have told us that Lisiewitz worked on this vegetable kommando. When do you say that was? A. On the first day of Easter.

Q. Do you know what date that was? A. No, I could not tell.

Q. Which year is this? A. 1945. It was the end of March or the beginning of April.

LT. BOYD: I am told it is the 1st April. (To the witness) Did she work the whole of that day on this kommando? A. No, shortly before noon she went away because she felt ill.

Q. Is that the only time you have seen her on this kommando? A. During the time I was in this kommando, yes.

Q. On this day was she carrying a stick? A. No.

Cross-examined by CAPT. MUNRO.

CAPT. MUNRO: I want to ask a few questions on behalf of Johanne Roth (No.43).
(To the witness) Did you know block 199 in Belsen? A. Yes.

Q. Did you ever live in that block? A. I have not been living in this block, but during the period of my illness I went to this block for some days every day to see the blockaltester.

Q. Do you know anybody in block 199 called Ida Freidman? A. Yes.

Q. What nationality was she? A. I believe a ~~Polish~~ Jewess.

Q. When did you last see Ida Freidman alive? A. Ten days after the arrival of the British troops I went to the hospital as a nurse and there Ida Freidman was taken to the hospital.

Q. Do you know why she was in hospital? A. I believe she had typhus.

Q. Did you know anybody else in block 199 by the name of Ida Freidman? A. No.

LT. JEDRZEJOWICZ: No questions.

Cross-examined by COL. BACKHOUSE.

Q. To deal with the last thing first. You say the Ida Freidman you know was a Polish Jewess? A. Yes.

Q. That will not be the same one that Ehlert knows, who was a Frenchwoman?

A. I think it was the same, because she used to come to the blockaltester; we used to talk with her and she very often went to Ehlert for to tell the cards, partly for fortune telling.

Q. What language did she use to tell the cards in? A. She talked German.

Q. Surely you could tell whether she was French or Police from her accent, could not you? A. No. I only know the blockaltester once told me that she was a Polish Jewess.

Q. Who was the blockaltester? A. Her name was Franken.

Q. Was she a friend of yours? A. No.

Q. What did you keep going to see her for? A. In our block there was a German girl who used to go to her, and during the time I was ill she used to take me with her. It was in the time that I was convalescing.

Q. About how many women were there in the block? A. 600 or 700.

Q. Do you know the names of any of the others? A. Yes.

Q. How many? A. Only a few girls who were being in my kommando at Auschwitz.

Q. Was Freidman ever in your kommando at Auschwitz? A. No.

Q. Who have you been sharing a room with whilst you have been here in Luneburg? A. I am alone.

Q. By yourself? A. Yes, I have a cell to myself.

Q. Tell me. When you first went to Ravensbruck how were you treated? A. We were treated very badly.

Q. Were you beaten there? A. There was not very much beating in Ravensbruck, but they used to set the dogs on us.

Q. Who used to set the dogs on you there? A. The aufseherin who had the working parties outside the camp.

Q. Because Ravensbruck was where all these S.S. women went to learn their job, was not it? A. I cannot tell that. I only know that in Ravensbruck all aufseherin had a dog and a pistol.

Q. Borman told us that she learned her work there; Volkenrath learned her work there; Ehlert learned her work there; Grese learned her work there. That is right? A. I have not seen Volkenrath in Ravensbruck. Ehlert was in charge of a block. I have seen Borman with a dog, and I do not know Grese from Ravensbruck.

Q. Tell me about when you came to Auschwitz. How were you treated there? A. Very badly.

Q. You have told us that the working party worked 11 hours a day. How were you fed? A. During the time I was at Butin the food was very bad; we had one litre of thin soup and our bread ration.

Q. Was Butin at arbietslager, or what was it? A. Yes, an arbietslager.

Q. Who was in charge of it when you were there? A. It was a kommandoführer called Schlager.

Q. Is that his name or description of him? A. It was his name.

Q. How were you treated there? A. Very badly; he beat us very much.

Q. Are you sure that was his real name and not a nick-name? A. Yes, it was his real name.

Q. Were there some aufseherin there? A. Not in the first period.

Q. Were there some kapos? A. Yes.

Q. How did they treat you? A. Well, they had to obey the orders of the kommandoführer and if they did not do it they were punished themselves.

Q. How did they treat you was what I asked. A. They also beat us, but not so often; but if they had the orders of the kommandoführer they had to do it.

Q. You had a very bad time there indeed, did not you? A. Yes.

Q. Then you came into Berkenau in June of 1943? A. Yes.

Q. How were you employed in Berkenau? A. I was in the masonry kommando.

Q. What were you building? A. We built the new parcel store and we repaired the floors of some of the blocks.

Q. What were they? Concrete floors? A. Made of bricks.

Q. The floors were made of brick? A. Yes.

Q. And you say you stayed at that work until you became a kapos? A. Yes.

Q. Now you were a kapos in kommando No.6. You say you were working there, in Butin, on drainage; is that right? A. Yes.

Q. Did you live at Butin or did you go to and fro night and morning? A. We went to and fro every day.

Q. Can you remember who the guard was as you went to and fro? A. I do not know their names.

Q. Did they have dogs? A. No.

Q. Did you march that distance? A. Yes.

Q. And the work you were doing there was digging, you say? A. Yes.

Q. Digging and draining? A. Yes, we dug the trenches and the men made the rest of the work.

Q. What period was it that you had these three punishments whilst you were at Auschwitz? When did you have that first punishment, the beating you have told us about? A. I was not a kapo for a long time then; it may have been April 1944.

Q. What were the other two punishments you had? You never told us about those. The one for burning the bed boards, what did you get for that? A. I was put under arrest first and then I had 25 strokes with the stick.

Q. When you say you were put under arrest first, what do you mean by that? A. I was put under arrest first and then they took me to the political department and there I received my 25 strokes.

Q. What do you mean by the words "put under arrest"? A. That was a kind of building, a cell, where everybody was put who was under arrest, and we received food every third day. I was there eight days.

Q. Did you ever have any sort of trial? A. No.

Q. Now the third time when you were punished for organising some food and some cigarettes. A. I was brought to the political department. There they made enquiries how and where from I got the food and the cigarettes, and then I was punished with 25 strokes because I bartered with civilians.

Q. You have told us that you had a very bad time at Butin. What was it like when you came back to Berkenau when you were working on this building. A. It was not as bad as in Butin.

Q. Were people ever beaten in Berkenau? A. Yes.

Q. By both the aufscherin and kapos? A. I believe all aufscherin did beating and the kapos, if necessary, as well.

Q. Which lager were you in? A. Camp B.

Q. Was Volkenrath in charge then? A. She was in charge of the parcel office.

Q Was Grese there then? A. At the time when I was there I did not see her.

Q Did you never see her all the time you were there? A. I saw Grese only for the first time when I became a kapo and when she stood at the gate.

Q What was she doing at the gate? A. I saw her only when she was talking to somebody.

Q Were not your kommandos composed of Hungarian Jewesses all the time you were a kapo? A. Yes.

Q Was not Grese in charge of the camp in which the Hungarian Jewesses were? A. Grese was in camp "C"; we were in camp "B". I had nothing to do with camp "C".

Q Grese did not go to camp "C" until about the middle of 1944. Did you never see her before that? A. I did not see her.

Q As a matter of fact were you not a kapo in the strafekommando which was commanded by her for a time? A. No.

Q I suggest to you that you worked under her and that you beat people severely yourself? A. I have never worked with Grese there.

Q The kapos had quite a few privileges, had not they? A. No; on the contrary we were punished much more severely than the others.

Q You got more food, did not you? A. No, we had exactly the same rations as all the other prisoners.

Q You had the distribution if it, did not you? A. Never the kapos, always the block altester.

Q And best of all you did not have to go on selections for the gas chamber, did you? A. Yes, that is true, we never had selections.

Q If there was a selection for the gas chamber all the kapos were sent into one particular block and had to keep out of the way, did not they? A. Yes, we had to stay in the block; it was prohibited to leave the block.

Q Were you sent there before the selection started? A. There was a signal, there was a whistle blowing, and that meant that we had to go to the block and stay there.

Q Was that before the selection started? A. Yes.

Q Come back to this question of kommandos. You remember this girl Rochla Grunwald? A. No, I do not remember.

Q Did you never see her at all? A. No.

Q Do you say that when Rozenwayg and Gryka came into Court the other day you did not even know them? A. I do not know them.

Q Do not you remember them getting you arrested at Belsen, even if you never saw them before that? A. I did not look at them so closely at that time.

Q Did not you even look at the people who were accusing you? A. They were shouting but I continued to go and then later on with the police they were in another room, not in the same room as I was.

Q They were shouting at you that it was impudent of you to be there at all because of the way you had treated them at Auschwitz, were not they? A. Yes.

Q If they were never in your kommando at all why do you think they should pick on you? A. That day they never said they had been working in my kommando and in reality they never had worked in my kommando.

Q They said you had beaten them and illtreated them at Auschwitz, did not they? A. One said that I had beaten her sister, I believe Rozenwayg is her name, and then the British came.

Q I suggest it was not "sister" she said, but her friend? A. No, she said "sister".

Q I do not propose to put all this in detail again, it has all been put, but I suggest to you, you know, that you are not telling the truth about this at all, that you in fact worked with Grese and these girls were under you and that you in fact did complain to Grese on the occasion when Grese set her dog on one of them? A. And I repeat I have never been working with Grese together; it is a lie; I have never been in that ~~kommando~~.

Q And I suggest to you that you beat Grunwald about the head with a stick to such an extent that she was taken away unconscious and eventually died? A. I do not know anybody by the name of Grunwald; I never had a stick and I did not beat them.

Q I suggest to you that the way in which you kept your position as a kapo was by beating? A. I have never beaten people with a stick; I had beaten them with my hands at the distribution of food, or on such occasions.

Q What I am suggesting to you, you know, is this, that to save your own skin you were prepared to fall in with this system of beating and illtreating prisoners and to do it yourself at the behest of the S.S.? A. On the contrary I did not fall in with that policy, and, as a matter of fact, I was beaten much more frequently because I did not fall in.

Q Why did you lose your armlet? A. Because I had a few cigarettes in my pocket.

Q Where did you get them from? A. We organised it ^{on} outside work.

Q And then you were sent to the Vistula kommando, were you? A. Yes.

Q What was that like? A. Very bad.

Q How far did you have to march from the camp? A. About three-quarters of an hour's march.

Q What sort of a road was it? A. A bad road; through the fields, a field path.

Q Were there S.S. guards with you? A. Police, and apart from that three S.S. guards with dogs.

Q What were the dogs used for? A. They came with us.

Q What were they really used for? A. Probably when prisoners tried to escape, or something.

Q Just listen to the question and do yourself justice. What were those dogs used for? A. When a prisoner tried to escape or on the way ---

Q It was just the same as Ravensbruck, again, was not it? A. The three dogs were not with us; they were round the working kommando.

Q You got as far as "on the way"; now finish that sentence. What were those dogs used for on the way? A. When he tried to escape on the way.

Q They were used to round up stragglers, were not they? A. No, the guards went in front of the working party and not behind them.

Q Were not there some at the back with the guards? A. In the kommando Vistula those three guards with dogs were always in front.

Q That seems a very odd place to be if you want to stop people escaping behind you, is not it? A. The police were in the back.

Q Did you have a very steep hill to go up on the way? A. Yes.

Q A lot of these women were very weak, were not they? A. Yes.

Q Did not they find it very difficult to get up that hill sometimes? A. Yes.

Q And were not they beaten up it? A. No; it was a very big working party of 1,000 women and when the first were on top of the hill they stayed and waited until the last arrived.

Q And nobody encouraged them to hurry? A. The kommando führer was sometimes furious about it if people were slow and he reprimanded them, and he may have slapped their faces, but there was no particular beating; the people on top waited always until the others arrived.

Q It must have been nicer then in that punishment kommando than in the rest of the camp? A. It was not very nice because it was winter and it was very cold and we had to work very hard.

Q What happened to the women who did not work very hard? A. They were beaten.

Q And who was in charge of that kommando? A. Weingartner.

Q No. 3 in the dock here? A. Yes.

Q We have not talked very much about the selections for the gas chamber because you as a kapo were excused, but what usually happened to pregnant women at Auschwitz? A. They were sent to the gas.

Q What used to happen to pregnant women at Ravensbrück, were they sent to Auschwitz? A. I do not know; I only know that when I came from Ravensbrück with this transport that was a transport consisting of pregnant women.

Q And they were being sent to Belsen, were not they? A. Yes, those 36 pregnant women who came with me came to Belsen.

Q And that was as late as the beginning of March? A. Yes.

Q How long were you kapo of this vegetable kommando? A. From the 25th March until the 14th April.

Q And you were taking vegetables and potatoes about from the stores to the kitchen, were you? A. Yes; not from the stores - they were in big piles and from those piles we fetched them and brought them to the kitchen.

Q Who was the S.S. man who supervised? A. I do not know his name; it was an S.S. guard; every day they were changed over.

MAJOR CRANFIELD: There was a first answer. She said something first.

COL. BACKHOUSE: I said: "Who was the S.S. guard" and she said: "I do not know his name; it was an S.S. guard".

MAJOR CRANFIELD: She said something and then the interpreter spoke to her again.

THE INTERPRETER: The answer was: "It was an S.S. guard which was changed over every day; I do not know his name".

COL. BACKHOUSE: And you say that Lisiewitz was only on that kommando for the one day? A. Yes.

Q Do you remember a woman called Almalah? A. No.

Q She says that she was one of the working party detailed to carry vegetables from the store to the kitchen. How did they carry them? A. With a sort of cart; I had seven carts under me.

Q Hand carts? A. Well, these carts were with 15 pieces; I do not know what sort of pieces, prisoners.

Q 15 pieces of prisoners? A. Yes.

Q Do you mean they were carts which the prisoners pushed or pulled? A. Pulled.

Q Of course you do not know whether Lisiowitz had been on this work before you came to it or not? A. I do not know.

Q So all you really know is that all you saw of her actually on this job was on Easter Sunday? A. Yes, I remember that.

Q Was Roth in fact employed in Block 199? A. Yes.

Q Was she the night guard there? A. No, not night guard; stubedienst, responsible for the room - room orderly.

Q I just want to ask you about Herta Bothe whom you mentioned. She was in charge of preparing wood for the kitchens, was not she? A. When I went with my kommando to the other camp I saw her standing there, and I do not know more.

Q But she was standing there by the wood which was ready for burning, was not she? A. Whether it was ready and prepared for burning I do not know.

Q What sort of wood was it then? A. Big branches of a certain tree; a pine tree which was brought in; large branches of pine trees brought in.

Q What do you think they wanted branches of pine trees in there for? A. Well, they prepared that for burning.

Q Why on earth did not you say that in the first place when I asked you what was the wood for? What you are trying to do is to avoid saying anything against the people in the dock and you are not even trying to think where the question leads to? A. No, I do not avoid anything and I have no particular regards for anybody.

Q When you got to Belsen you were promptly made a kapo again, were not you?

A I was sick for three weeks and then the oberaufscherin promoted me to kapo in the kommando dealing with these vegetables.

Q Which aufscherin? A. Volkenrath.

Q Because she had known you in Auschwitz, had not she? A. I do not know

whether she had known me.

Q And when you became a kapo in Belsen, were the women who were working under you very very weak indeed ? A No, I cannot say this. I had nearly all Russians and they were very strong.

Q Did they remain strong on the food they got ? A The Russians were good in organising.

Q But you remained fairly strong, did you not ? A I was also quite good in organising.

Q It was very easy for a kapo, was it not ? A No, ~~no, only for kapos;~~ for anybody who was good in organising, he could do it.

Q What you really mean is that you could take somebody else's share, is it not ? A No, it was made in that way that those prisoners who were at the stores, for instance in the food stores, so if we had some sort of connections with them we could barter with them. We gave them something and they gave us something.

Q But you were the kapo of this party, were you not ? A Yes.

Q And one of the jobs that you accepted as kapo was looking after the work of your party, was it not ? A Yes.

Q Let me suggest to you that what you did was that you and your own little party fed all right at the expense of the rest ? A Why at the expense of others ?

Q Did you not allow your own party, some of your own party, your own favourites, to take food which they were not allowed to take ? A My kommando was very good in organising, and apart from that they took potatoes which were in the cellar.

Re-examined by MAJOR CRANFIELD.

Q When you took the letters out of the camp at Auschwitz you knew you would be punished if you were found out, did you not ? A I hoped that I would not be caught at it.

Q If you were caught you knew what the punishment would be ? A I knew that I would be punished.

Q Was it one of the qualifications of a kapo that she had to understand and to speak German ? A No, we had to have an interpreter for either Russian or Polish or Hungarian, because I myself I could not talk to those people at all.

Q Did not all the kapos speak German ? A Yes.

Q When you arrived at Belsen with your 36 pregnant women, what happened to them ? A I do not know; they came to another block, I believe to the hospital, but I do not know.

Q When you were arrested in June, were there any other Germans in Belsen then ? A Almost none; nearly everybody was away, was gone.

THE JUDGE ADVOCATE: When you were punished for smuggling letters, were you a kapo ? A Yes.

Q When you were punished for burning the bed boards, were you a kapo ? A Yes.

Q And when you were punished for a third time for organising food and cigarettes, were you still a kapo ? A Yes.

Q. You had had quite a number of stripes, beatings, by that time, had you not ?
A. Yes.

Q. From the point of view of the German authorities you must have been a most unsatisfactory karo, must you not ? A. Yes. I have always done that that was prohibited.

Q. And it was not until December, 1944, that Kramer took away your armlet; is that right ? A. Yes. It was not Kramer, it was aus, but it was in December.

Q. Do you think Volkenrath knew what an unsatisfactory record you had as a karo at Auschwitz ? A. I do not know.

Q. And you were made a karo again in March, 1945, by Volkenrath; is that right ? A. Yes.

A. MEMBER OF THE COURT: Where exactly were you between the 12th April, when the camp was taken over by the British, and the 22nd June, when you were arrested ? A. First I worked as a nurse in the camp Belsen where the hospital is, and later on as a nurse in Bergen, which is very near to Belsen.

Q. The barracks in Bergen is where the other internees were ? A. Yes.

THE PRESIDENT: Have you any questions to ask on what the Court has put ?

MAJOR CRANFIELD: No.

(The accused leaves the place from which she has given her evidence).

MAJOR CRANFIELD: I will now read the affidavit of Regina Bialek.

THE PRESIDENT: Has that one been put in ?

MAJOR CRANFIELD: It is a different one.

THE JUDGE ADVOCATE: I have a record of two affidavits by Regina Bialek which are Exhibits "18" and "19". Is this still another one ?

MAJOR CRANFIELD: Yes, it is a third one.

(Further affidavit by Regina Bialek is marked Exhibit "127", signed by the president and attached to the proceedings).

MAJOR CRANFIELD: "Deposition of Regina Bialek (female) late of 16 Squadrons, Lodz, Poland, sworn before Captain Ronald Percy Bentham-Green, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team.

"I am a Polish Jewess, aged 28. I was arrested in December 1939 in Warsaw by the S.S. I remained in the Police Prison in Warsaw until the middle of December, 1940, from there I was transferred to a Concentration Camp at Lublin. In December 1941 I left Lublin and went to various camps, arriving in December, 1942, at Auschwitz, where I remained until November, 1944. In November 1944, I came to Belsen.

"(2) I knew the accused, Ilse Loth, in Belsen. I met her about two months before the camp was liberated. She was a Capo in charge of the agricultural working party. I myself was working in kitchen No. 1 in the same camp. I saw Loth every day and I never saw her beat anybody. The other Capos used to take food away from the internees for their own purposes. Loth never did that - in fact, she often asked me to get her something to eat as she herself was hungry.

"(3) There is nothing more I can say about her as I had no dealings with her outside the kitchen, but judging by her behaviour, I find it hard to believe that she would have treated the girls badly.

"Sworn by the said Deponent Regina Bialek at Belsen this 12th day of July, 1945, (Sgd) Regina Bialek". That is certified as to translation in the usual way.

That is all the evidence I am calling on behalf of Lise Lothe and next I propose to call Hilde Lobauer.

THE PRESIDENT: Then we will make it that Lobauer will be called first thing tomorrow morning.

(At 1712 hours the Court adjourns until 0930 hours on Thursday, 18th October, 1945).